

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1871.

Read twice and referred to the Committee on the Judiciary.

AN ACT

To divide the State of Illinois into three judicial districts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the State of Illinois be, and the same is hereby, divided
4 into three judicial districts, as follows, to wit: The counties of
5 Lake, McHenry, Boone, DeKalb, Kane, Dupage, Cook, Will
6 Kankakee, Iroquois, Ford, Livingston, Grundy, LaSalle, and
7 Kendall, shall compose and be known as the northern district
8 of Illinois; the counties of Winnebago, Stephenson, Jo
9 Daviess, Carroll, Ogle, Lee, Whiteside, Rock Island, Henry
10 Bureau, Putnam, Stark, Knox, Mercer, Henderson, Warren,
11 Peoria, Marshall, Woodford, Tazewell, Mason, Fulton,
12 Schuyler, McDonough, and Hancock, shall compose and be
13 known as the western district of Illinois; and all the residue
14 of said State shall compose and be known as the southern
15 district of Illinois. And courts shall be held for said northern

16 district at Chicago, for said southern district at Springfield
17 and Cairo, and for said western district at Peoria and Dixon.

1 SEC. 2. That there shall be four terms of the district
2 court held for said western district; two at the city of Peoria,
3 on the first Mondays of May and November in each year;
4 and two terms at Dixon, on the first Mondays of April and
5 October in each year.

1 SEC. 3 That all suits, process, and proceedings of what-
2 ever name or nature, now pending in the circuit or district
3 courts of the United States for the northern and southern dis-
4 tricts of Illinois, shall be tried, returned, proceeded in, and
5 disposed of in the circuit and district courts of said northern
6 and southern districts respectively, in all respects as if this
7 act had not been passed: *Provided*, That upon the application
8 of any party to any suit, case, or prosecution now pending
9 and undisposed of in either of said districts, which would have
10 been commenced in the western district if this act had been in
11 force before the commencement of said suit, the proper court
12 in said northern or southern district shall order that the same
13 be removed for further proceedings, and final judgment, order,
14 or decree, to the proper court for the said western district;
15 and thereupon the proper clerk of said northern or southern
16 district shall transmit all the papers in the cause, with a trans-
17 cript of the journal entries, including the order of removal
18 therein, to the clerk of the proper court in said western dis-

19 trict; and all further proceedings shall be had therein in the
20 court or courts of said western district, as if the suit had been
21 originally commenced therein.

1 SEC. 4. That all suits, criminal and civil, arising in the
2 counties of Jo Daviess, Stephenson, Winnebago, Carroll, Ogle,
3 Whiteside, Lee, Rock Island, Henry, and Bureau, shall be
4 heard and determined at Dixon; and all suits, criminal and
5 civil, arising in any other counties composing said western
6 district, shall be heard and determined at Peoria, and the
7 foregoing division shall govern in the removal of cases now
8 pending in the northern and southern districts of Illinois.

1 SEC. 5. That final process upon any final order, judg-
2 ment, or decree entered in the circuit or district court of the
3 United States for the northern or the southern district afore-
4 said, and all other process and proceedings, direct or collateral,
5 for the enforcement thereof, or of any interlocutory order or
6 rule of said courts, respectively, in any cause now pending
7 therein, except in cause removed as hereinbefore provided,
8 shall be issued from, made returnable to, and had in the proper
9 court of said northern or southern district, respectively, and
10 such process may be served and executed by the marshals of
11 said districts, respectively, as if this act had not been passed

1 SEC. 6. That there be appointed a district judge for the
2 said western district of Illinois, who shall possess the same
3 powers and do and perform all such duties in his district as

4 are now exercised by, or enjoined upon, or in any wise apper-
5 taining to, the present district judges for the northern and
6 southern districts of Illinois, respectively; and said district
7 judge shall be entitled to the same compensation as by law is
8 provided for the present district judges in said State.

1 SEC. 7. That there be appointed one person as district
2 attorney, one person as clerk of said court at Peoria, and one
3 person as clerk of said court at Dixon, and one person as
4 marshal for said western district, whose qualifications,
5 manner, and terms of appointment and service, as well as
6 whose duties and emoluments, shall be the same with those
7 respectively appertaining to the like officers in the present dis-
8 tricts of said State.

1 SEC. 8. That all suits hereafter to be brought in either of
2 said districts not of a local nature shall be brought in the
3 proper court of the district where the defendant resides, but
4 if there be more than one defendant, and the defendants
5 reside in different districts, the plaintiff may sue in either,
6 and send duplicate writs against the defendants in the other
7 districts, directed to the marshals thereof respectively, which
8 writs shall be executed by said marshals respectively, and
9 returned to the court or clerk's office from which the same
10 were issued; and if service has been had upon any defend-
11 ant, resident of the district in which the suit is brought, the

12 suit shall proceed to final judgment or decree against all the
13 defendants as if all resided in said district.

14 SEC. 9. That until permanent places are designated and
15 provided, in pursuance of law, it shall be the duty of the mar-
16 shal of said western district to provide suitable rooms
17 and places for holding said court at Peoria and at
18 Dixon, the reasonable expenses thereof to be paid from
19 moneys heretofore or which may be hereafter appropriated
20 for the judicial branch and service of the Government.

1 SEC. 10. That all acts and parts of acts inconsistent with
2 the provisions of this act be, and the same are hereby, re-
3 pealed: *Provided*, That the ninth census shall be completed
4 in all respects as if this act had not been passed: *And pro-*
5 *vided further*, That nothing herein shall affect existing offi-
6 cers nor existing laws except as herein modified.

Passed the House of Representatives March 2, 1871.

Attest: EDWARD McPHERSON, *Clerk*.